

June 25, 2013

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., June 25, 2013.

Members present: Mayor Robert T Wandrei; Councilwoman Mary L. Flood; Councilman Stacey L. Hailey; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman W. D. Tharp; and Vice Mayor James A. Vest

Members absent: None

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Wandrei declared that the minutes of a regular Council meeting held on June 11, 2013, were approved as distributed.

The City Manager reported on the following:

- Welcomed everyone to the last City Council meeting – the next time Council will convene will be as a Town Council - everyone has diligently worked to make the transition as smooth as possible.

Vice Mayor Vest, Chairman of the Finance Committee, reported that the committee met earlier in the evening and stated the budget is on track.

Mayor Wandrei presented a gift to Councilwoman Flood and expressed thanks for her 18 years of service on City Council.

Councilwoman Flood said she had really enjoyed being on Council and had learned a lot. She expressed appreciation to everyone who had helped her learn along the way.

The Mayor said that an item pertaining to Section 2-93 of the Town Code concerning the Department of Finance and a closed session dealing with personnel matters will be added to the agenda.

The City Manager read aloud the Notice of Public Hearing:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 6:00 p.m. on Tuesday, June 25, 2013 and by the City Council at 7:00 p.m. on Tuesday, June 25, 2013 at the City Municipal Building, Council Hall, 215 E. Main Street for the following purpose:

To consider, amending the City of Bedford Land Development Regulations, pursuant to the “Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford,” specifically Section 8.1 (Phase 1 Boundary

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Adjustment Areas) and Section 8.3 (Interim Zoning Classifications), in order to include in the zoning maps the areas of Bedford County that will be added to the Town of Bedford upon reversion to Town Status on July 1, 2013 and to classify each tax parcel or parcel of land in the Phase 1 Boundary Adjustment Areas to be classified as part of the Town's zoning district that is most comparable to the County zoning district in which each tax parcel is located immediately prior to the boundary adjustment on July 1, 2013. The most comparable districts and the new Town zoning districts applicable to each existing County zoning district are as follows:

COUNTY ZONING DISTRICT	CITY ZONING DISTRICT
AR Agricultural/Residential R-1 Low Density Residential	R-1 Single Family Residential
R-2 Medium Density Residential R-3 Medium Density Multi-Family Residential	R-2 Medium Density Residential
Residential R-4 High Density Residential	R-3 High Density Residential
PRD Planned Residential Development	PRD Planned Residential Development
R-MH Manufactured Home Residential	R-1E Low Density Residential
NC Neighborhood Commercial	B-1 Limited Business
C-1 Office District C-2 General Commercial PCD Planned Commercial	B-2 General Business
I-1 Low-Intensity Industrial	CLI Commercial/Light Industrial
I-2 Higher-Intensity Industrial PID Planned Industrial	M-1 Manufacturing
PDI-1 Planned District	B-2 General Business

Copies of the City Zoning Maps, the City Land Development Regulations, the Voluntary Settlement Agreement (including maps of the Phase 1 Boundary Adjusted Areas and schedules listing parcels in the Phase 1 Areas) may be viewed at the Office of Planning and Development, Bedford Municipal Building, 215 East Main Street, Bedford, VA.

The request is made by the City of Bedford Planning Commission and City Council.

Anyone who is in favor of or opposed to this request will have an opportunity to express his or her view at this hearing.

By the Authority of the Planning
Commission and City Council of the
City of Bedford

Mayor Wandrei opened the public hearing at 7:13 p.m.

As there were no comments, the Mayor closed the public hearing at 7:13 p.m.

City Manager Kolakowski stated the proposed ordinance is to implement the agreement as far as the interim zoning for the Phase One Boundary Area. The City Manager requested that Council adopt the ordinance amending the Town of Bedford Zoning Maps to include the Phase I boundary adjustment areas and zoning each parcel to the most comparable City zoning classification. He said that the Planning Commission had recommended the adoption of the ordinance.

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On motion by Councilman Tharp, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Wandrei	aye

The Ordinance follows as adopted:

Ordinance No. 13-10

AN ORDINANCE AMENDING THE TOWN OF BEDFORD ZONING MAO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

Section 1. Pursuant to the “Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford,” specifically Section 8.1 (Phase 1 Boundary Adjustment Areas) and Section 8.3 (Interim Zoning Classifications), in order to include in the zoning maps the areas of Bedford County that will be added to the Town of Bedford upon reversion to Town Status on July 1, 2013 and to classify each tax parcel or parcel of land in the Phrase 1 Boundary Adjustment Areas to be classified as part of the Town’s zoning district that is most comparable to the County zoning district in which each tax parcel is located immediately prior to the boundary adjustment on July 1, 2013, the zoning map of the Town of Bedford is amended to include the most comparable districts as follows:

COUNTY ZONING DISTRICT	CITY ZONING DISTRICT
AR Agricultural/Residential R-1 Low Density Residential	R-1 Single Family Residential
R-2 Medium Density Residential R-3 Medium Density Multi-Family Residential	R-2 Medium Density Residential
Residential R-4 High Density Residential	R-3 High Density Residential
PRD Planned Residential Development	PRD Planned Residential Development
R-MH Manufactured Home Residential	R-1E Low Density Residential
NC Neighborhood Commercial	B-1 Limited Business
C-1 Office District C-2 General Commercial PCD Planned Commercial	B-2 General Business
I-1 Low-Intensity Industrial	CLI Commercial/Light Industrial
I-2 Higher-Intensity Industrial PID Planned Industrial	M-1 Manufacturing
PDI-1 Planned District	B-2 General Business

Section 2. This ordinance is effective upon enactment.

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City Manager Kolakowski said that in the Voluntary Settlement Agreement dated August 14, 2012, the City agreed to convey to Bedford County the Bedford Elementary School property and the City's one-half interest in the Bedford Welcome Center. Bedford City and Bedford County have caused a new plat of survey to be prepared reconfiguring prior plats showing definitive right of way limits for Tiger Trail, the boundaries of the Elementary School real estate containing 25.149 acres to be conveyed to the County, and the boundaries of the Bedford Welcome Center containing 3.725 acres to be conveyed to the County. The City Manager said that Council was requested to approve the Resolution for Execution of a Deed Between the City, the D-Day Foundation, Bedford County, and the Bedford County School Board Establishing New Boundary Lines for the Elementary School Property and the Welcome Center Property and Dedicating Tiger Trail as a Public Street.

On motion by Councilman Stanley, seconded by Vice Mayor Vest, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Mayor Wandrei	aye

The resolution follows as adopted:

A RESOLUTION APPROVING EXECUTION OF A DEED BETWEEN THE CITY, THE D-DAY FOUNDATION, BEDFORD COUNTY, AND THE BEDFORD COUNTY SCHOOL BOARD ESTABLISHING NEW BOUNDARY LINES FOR THE ELEMENTARY SCHOOL PROPERTY AND THE WELCOME CENTER PROPERTY AND DEDICATING TIGER TRAIL AS A PUBLIC STREET

WHEREAS, in the "Voluntary Settlement Agreement" dated 14 August 2012 between the City of Bedford and Bedford County, the City agreed to convey to Bedford County the Bedford Elementary School property and the City's one-half interest in the Bedford Welcome Center, both of which adjoin Tiger Trail; and

WHEREAS, the parties have caused a new plat of survey to be prepared by Berkley-Howell & Assoc., P.C., consisting of 5 sheets, entitled "Reconfiguration of Tracts A-1 & A-2 and The Bedford Area Welcome Center", dated May 20, 2013, being a reconfiguration of prior plats showing the definitive right of way limits for Tiger Trail, the boundaries of the Elementary School real estate containing 25.149 acres to be conveyed to the County, and the boundaries of the Bedford Welcome Center containing 3.725 acres to be conveyed to the County; and

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WHEREAS, the City Council does hereby approve the boundaries of these parcels as shown on the reconfiguration plat, including the elimination of all boundary lines of previous plats which have been adjusted by the new reconfiguration plat; and

WHEREAS, Tiger trail has been approved by the Virginia Department of Highways as a public road, and the City desires to confirm the dedication as a public street of the limits of Tiger Trail as shown on the new plat by authorizing the execution of the proposed deed between the parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bedford:

Section 1. The City Council approves the reconfiguration of the boundary lines as set forth on the reconfiguration plat and the dedication by the City of Tiger Trail as a public street with the right of ways as shown on said plat of survey.

Section 2. That the Mayor and the City Clerk are authorized and directed to execute the proposed deed dated June 25, 2013 between the National D-Day Memorial Foundation, Inc., the City of Bedford, Virginia, the County of Bedford, Virginia, and the Bedford County School Board confirming the boundaries of the parcels as described on said plat and providing for the dedication as a public street of Tiger Trail as shown on said plat of survey.

Section 3. This resolution shall take effect upon enactment.

The City Manager reported that in the Voluntary Settlement Agreement dated August 14, 2012, the City of Bedford agreed to convey its one-half interest in the Bedford Welcome Center including equipment, fixtures and other tangible personal property of the Welcome Center to Bedford County. Bedford City and Bedford County have caused a new sub-division plat of survey of the Bedford Area Welcome Center to be conveyed to Bedford County

City Manager Kolakowski said in accordance with legal requirements for the conveyance of municipal real estate, the City Council has held a public hearing after notice of the hearing was published in the Bedford Bulletin, and the proposed ordinance authorizing execution of deeds has been posted. The City Manager said Council was requested to enact the ordinance authorizing execution of a deed conveying the Welcome Center property, equipment, fixtures and other tangible personal property to Bedford County.

On motion by Councilman Rush, seconded by Councilman Tharp, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye

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Councilman Hailey	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-11

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ITS ONE-HALF INTEREST OF THE BEDFORD WELCOME CENTER PROPERTY CONTAINING 3.725 ACRES, TO BEDFORD COUNTY, VIRGINIA

WHEREAS, the City of Bedford and Bedford County have entered into a “Voluntary Settlement Agreement” dated 14 August 2012 (“the Agreement”), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City to a Town located within and constituting part of Bedford County; and

WHEREAS, the Agreement and its terms were approved by a special court as required by the statutes of the Commonwealth of Virginia on December 18, 2012, with the transition to town status to become effective on July 1, 2013; and

WHEREAS, as part of the Agreement the City agreed to convey its one-half interest in the Bedford Welcome Center including equipment, fixtures and other tangible personal property of the Welcome Center to Bedford County; and

WHEREAS, the parties have caused a new plat of the Bedford Area Welcome Center to be conveyed to Bedford County; and

WHEREAS, the City Council, pursuant to statutes made and provided for approval of conveyance of real estate has held a public hearing on June 11, 2013, after public notice of such hearing was advertised in the Bedford Bulletin on May 29, 2013, and June 5, 2013, which was at least 7 days prior to the public hearing.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA

Section 1. The City Council approves the conveyance of the hereinafter described real estate to Bedford County pursuant to the terms of the Voluntary Settlement Agreement, the real estate being more particularly described as follows, to-wit:

All those certain parcel or tract of land, located on Tiger Trail in the City of Bedford, Virginia, containing 3.725 acres and described on Sheet 2 of 5 on a plat of survey entitled “Reconfiguration of Tracts A-1 & A-2 and the Bedford Area Welcome Center,” prepared by Berkley-Howell & Assoc., P.C., dated May 20, 2013.

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Section 2. The Mayor and the City Clerk are hereby directed to execute and deliver a quitclaim deed in form approved by the City Attorney conveying the City’s one-half interest in the real estate, equipment fixtures and other tangible personal property to Bedford County.

Section 3. This ordinance shall be effective upon enactment.

City Manager Kolakowski said in the Voluntary Settlement Agreement dated August 14, 2012 the parties agreed to a partial consolidation of the two governmental entities by means agreed to convey to Bedford County the Bedford Elementary School property. Bedford City and Bedford County have caused a new sub-division plat of survey of the elementary School real estate containing 25.149 acres located on Tiger Trail to be conveyed to the County.

The City Manager stated that in accordance with legal requirements for the conveyance of municipal real estate, Council has held a public hearing after notice of the hearing was published in the Bedford Bulletin, and the proposed ordinance authorizing execution of deeds has been posted. Mr. Kolakowski said that Council was requested to enact the ordinance authorizing execution of a deed conveying the Elementary School property, equipment, fixtures and other tangible personal property to the Bedford County School Board under Direction of Bedford County.

On motion by Councilman Tharp, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-12

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO BEDFORD COUNTY OF THE BEDFORD ELEMENTARY SCHOOL PROPERTY CONTAINING 25.149 ACRES, TO BEDFORD COUNTY SCHOOL BOARD PURSUANT TO THE VOLUNTARY SETTLEMENT AGREEMENT AND THE DIRECTIONS OF BEDFORD COUNTY, VIRGINIA

WHEREAS, the City of Bedford and Bedford County have entered into a “Voluntary Settlement Agreement” dated 14 August 2012 (“the Agreement”), pursuant to

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which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City to a Town located within and constituting part of Bedford County; and

WHEREAS, the Agreement and its terms were approved by a special court as required by the statutes of the Commonwealth of Virginia on December 18, 2012, with the transition to town status to become effective on July 1, 2013; and

WHEREAS, Bedford County has requested that the conveyance of the school property be made to the Bedford County School Board pursuant to Virginia Code Section 22.1-125; and

WHEREAS, as part of the Agreement the City agreed to convey to Bedford County the Bedford Elementary School property including all equipment, fixtures and other tangible personal property of the Elementary School; and

WHEREAS, the parties have caused a new sub-division plat of the Elementary School located on Tiger Trail and shown as Tract A-2 consisting of 25.149 acres and containing the Bedford Elementary School building to be conveyed to Bedford County; and

WHEREAS, the City Council, pursuant to statutes made and provided for approval of conveyance of real estate has held a public hearing on June 11, 2013, after public notice of such hearing was advertised in the Bedford Bulletin on May 29, 2013, and June 5, 2013, which was at least 7 days prior to the public hearing.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA

Section 1. The City Council approves the conveyance of the hereinafter described real estate to Bedford County School Board and the Directions of Bedford County pursuant to the terms of the Voluntary Settlement Agreement, the real estate being more particularly described as follows, to-wit:

All those certain parcel or tract of land, located on Tiger Trail in the City of Bedford, Virginia, containing 25.149 acres and described as Tract "A-2" on a plat of survey entitled "Boundary Re-Survey of The Bedford Elementary School," prepared by Berkley-Howell & Assoc., P.C., dated June 12, 2013.

Section 2. The Mayor and the City Clerk are hereby directed to execute and deliver a quitclaim deed in form approved by the City Attorney conveying the real estate and any equipment, fixtures and other tangible personal property to the Bedford County School Board.

Section 3. This ordinance shall be effective upon enactment.

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City Manager Kolakowski stated that in the Voluntary Settlement Agreement dated August 14, 2012 the City agreed to convey to Bedford County the Bedford Central Library property including the adjoining parking lot and the City's interest in the library collection and equipment, fixtures and other tangible personal property of the Central Library. Bedford City and Bedford County have caused a new sub-division plat subdividing the City property into Tract A consisting of 1.730 acres containing the Bedford Central Library Building and the parking lots to be conveyed.

The City Manager said in accordance with legal requirements for the conveyance of municipal real estate, the City Council has held a public hearing after notice of the hearing was published in the Bedford Bulletin, and the proposed ordinance authorizing execution of deeds has been posted. The City Manager said that Council was requested to enact the ordinance authorizing execution of a deed conveying the Bedford Central Library property including the adjoining parking lot and the City's interest in the library collection and equipment, fixtures and other tangible personal property of the Central Library to Bedford County.

On motion by Vice Mayor Vest, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-13

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO BEDFORD COUNTY OF THE CITY OF BEDFORD CENTRAL LIBRARY PROPERTY CONTAINING 1.730 ACRES PURSUANT TO THE VOLUNTARY SETTLEMENT AGREEMENT

WHEREAS, the City of Bedford is the owner of a number of parcels of land located on the west side of North Bridge Street and on which are located the Bedford Central Library and the Wharton House; and

WHEREAS, the City of Bedford and Bedford County have entered into a "Voluntary Settlement Agreement" dated 14 August 2012 ("the Agreement"), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City to a Town located within and constituting part of Bedford County; and

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WHEREAS, the Agreement and its terms were approved by a special court as required by the statutes of the Commonwealth of Virginia on December 18, 2012, with the transition to town status to become effective on July 1, 2013; and

WHEREAS, as part of the Agreement the city agreed to convey to Bedford County the Bedford Central Library property including the adjoining parking lot and the City's interest in the library collection and equipment, fixtures and other tangible personal property of the Central Library; and

WHEREAS, the parties have caused a new sub-division plat to be prepared showing the City property located on the west side of North Bridge Street and subdividing the City property into Tract A consisting of 1.730 acres containing the Bedford Central Library building and the parking lots to be conveyed to Bedford County and Tract B consisting of 0.841 acres containing the Wharton House and the Wharton gardens to be retained by the City; and

WHEREAS, the City Council, pursuant to statutes made and provided for approval of conveyance of real estate has held a public hearing on June 11, 2013, after public notice of such hearing was advertised in the Bedford Bulletin on May 29, 2013, and June 5, 2013, which was at least 7 days prior to the public hearing;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA

Section 1. The City Council approves the conveyance of the hereinafter described real estate and the City's share of the Library collection and the City's share of all tangible personal property in the library to Bedford County pursuant to the terms of the Agreement, the real estate being more particularly described as follows, to-wit:

All those certain parcel of tract of land, located on the west side of North Bridge Street in the City of Bedford, Virginia, containing 1.730 acres and described as Tract "A" on a plat of survey entitled "Re-Subdivision of the Bedford Public Library 7 the Wharton House," prepared by Berkley-Howell & Assoc., P.C., dated May 15, 2013.

Section 2. The Mayor and the City Clerk are hereby directed to execute and deliver a quitclaim deed in form approved by the City Attorney conveying the real estate and the Library collections, equipment, fixtures and other tangible personal property to Bedford County.

Section 3. This ordinance shall be effective upon enactment.

The City Manager said that in the Consolidation Agreement dated October 31, 2012 the City agreed to convey to the Bedford Regional Water Authority the City of Bedford Water/Sewer Operations properties to including the Waste Water Treatment Plant on Orange Street, the Water Treatment Plant on Turkey Mountain Road, Stoney Creek

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Reservoir on Wheats Valley Road and the Water Storage Tank on Helm Street, also Pump Stations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

City Manager Kolakowski said that in accordance with legal requirements for the conveyance of municipal real estate, the City Council has held a public hearing after notice of the hearing was published in the Bedford Bulletin, and the proposed ordinance authorizing execution of deeds has been posted. The City Manager said that Council was requested to enact the ordinance authorizing execution of deeds conveying the Bedford Water/Sewer Operations properties to the Bedford Regional Water Authority.

On motion by Councilman Tharp, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-14

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO BEDFORD REGIONAL WATER AUTHORITY OF THE CITY OF BEDFORD WATER AND SEWER UTILITY SYSTEMS PROPERTY PURSUANT TO THE CONSOLIDATION AGREEMENT

WHEREAS, the City of Bedford is the owner of a number of parcels of land which make up the City of Bedford Water/Sewer Operations; and

WHEREAS, the City of Bedford, Bedford County and the Bedford County Public Service Authority have entered into a “Consolidation Agreement” dated October 31, 2012 (“the Agreement”); and

The City agreed to convey to the Bedford Regional Water Authority the City of Bedford Water/Sewer Operations property; and

WHEREAS, the City Council, pursuant to statutes made and provided for approval of conveyance of real estate has held a public hearing on May 28, 2013, after public notice of such hearing was advertised in the Bedford Bulletin on May 15, 2013, which was at least 7 days prior to the public hearing;

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BEDFORD, VIRGINIA**

Section 1. The City Council approves the conveyance to the Bedford Regional Water Authority, the real estate being more particularly described as follows, to-wit:

WasteWater Treatment Plant - Orange Street - located within the City
The City will transfer Tax Parcel 216-A-8, less the northeast corner, which will be retained by the City for access to the City Landfill.

Water Treatment Plant - Turkey Mountain Road - located in the County
The City will transfer Tax Parcels 92-5-1, 95-5-2, 95-5-3, and 95-5-4 in their entirety.

Stoney Creek Reservoir - Wheats Valley Road - located in the County
The City will transfer Tax Parcels 55-1-A, 55-2-6, 55-A-24, 55-A-22, 55-A-19, 55-A-23, and 55A-16, less the following property which will be retained by the City. The northwestern portion of 55-A-16 located on the northwest side of Wheats Valley Road and the northeast portion of 55-A-23 located northeast of the reservoir.

Water Storage Tank - Helm Street - located in the City
The City will transfer Tax Parcel 234-A-8, less the northern portion of the property that contains the communication tower and equipment.

Pump Station #1 - located at 1801 Nichols Road
Pump Station #2 - located at 1725 Whitfield Drive
Pump Station #3 - located at 1014 Orange Street
Pump Station #4 - located at 1455 Belmont Drive
Pump Station #5 - located at 4099 Oliver Street
Pump Station #6 - located at 4690 Peaks Road
Pump Station #7 - located west of Mustang Road
Pump Station #8 - located north of Whitfield Drive
Pump Station #9 - located at 999 Elm Street
Pump Station #10 - located at 1309 Towngate Road
Pump Station #11 - located at 100 Minuteman Drive
Pump Station #12 - located at 1577 Village Court

Easements for all public water and sewer lines which are located on City-owned properties, which are located in dedicated public utility easements as shown on recorded plats, or which are prescription easements acquired by the City under state law.

Section 2. The Mayor and the City Clerk are hereby directed to execute and deliver a quitclaim deed in form approved by the City Attorney conveying the real estate to Bedford Regional Water Authority.

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Section 3. This ordinance shall be effective upon enactment.

City Manager Kolakowski stated that under the provisions of the Consolidation Agreement, dated October 31, 2012, between the Bedford County Public Service Authority, Bedford County, and the City of Bedford, the City agreed to convey its water and sewer utility systems to a new authority, and the new authority has agreed to pay Locality Compensation Payments as debt service on other obligations of the City of Bedford. This in effect will provide funds for the City to make debt service on obligations of the City of Bedford which were used to finance improvements to the utility systems and which will remain as obligations of the City after the consolidation of the utilities into the new authority on July 1, 2013.

Mr. Kolakowski said that Harwell M. Darby, Jr., of the law firm of Glenn Fillman, Darby & Goodlatte, in Roanoke has been assisting the County Attorney and the City Attorney in carrying out the Consolidation Agreement and has been representing the new authority. He has drafted an Assumption Agreement between the Bedford County Public Service Authority and the City of Bedford, the new Bedford Regional Water Authority, and the Virginia Resources Authority (holder of bonds issued by the Bedford County Public Service Authority and by the City) which includes consents by the Virginia Resource Authority to the conveyances and to a payment of locality compensation payments to the City of Bedford.

The City Manager stated that Council was requested to authorize execution of the Assumption Agreement between the Bedford County Public Service Authority, the City of Bedford, the Bedford Regional Water Authority and the Virginia Resource Authority.

On motion by Councilman Rush, seconded by Vice Mayor Vest, and after an explanation of the agreement by the City Manager, voted upon and carried by a roll call vote, Council authorized execution of the Assumption Agreement between the Bedford County Public Service Authority, the City of Bedford, the Bedford Regional Water Authority and the Virginia Resource Authority. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Wandrei	aye

City Manager Kolakowski said the City Council, in conjunction with the reversion of the City of Bedford to town status, has directed that changes be made in the Business, Profession, Occupation License (BPOL) tax in order to reduce the tax burden upon business operating in the new Town of Bedford. The BPOL ordinance is based upon a calendar year, and accordingly the tax rates have already been set for the calendar year

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2013. However, the budget for fiscal year 2014 contemplates that the BPOL tax in 2014 will be reduced for many businesses.

The City Manager said a new BPOL tax ordinance to take effect January 1, 2014, for calendar year 2014 has been posted in accordance with the City Code. Most business in the fields of contracting, retail sales, professional services, and other businesses and occupations not specifically listed or excepted have been paying BPOL tax based upon gross receipts. The new ordinance eliminates many of the provisions for a tax based upon gross receipts and replaces them with a \$30 annual fee, not pro-rated. The present BPOL fees are retained for certain business categories for which specific provisions are made in the State law.

On motion by Councilman Rush, seconded by Vice Mayor Vest, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

The ordinance will be included in the permanent minute book.

City Manager Kolakowski encouraged Council to revisit this ordinance in the fall to look at fees to continue to encourage businesses.

The City Manager said the present City Code provisions dealing with business, profession, occupation licenses were enacted in 1995 to comply with changes in the license tax laws that required certain uniform provisions to be made in these laws for all municipalities. Since the adoption of the City Ordinance, the General Assembly has added a provision allowing municipal governments, by ordinance, to enact a business license incentive program that exempts in whole or in part license taxes for business which locates for the first time in a locality adopting such an ordinance. A number of jurisdictions have adopted these incentive programs.

The City Manager recommended that the City adopt such an incentive program exempting new business for a period of six months from the date the business locates in the Town of Bedford. The provisions of the ordinance shall go into effect on July 1, 2013 and shall be retroactive to January 1, 2013. The ordinance has been posted in accordance with the requirements of the Bedford City Code. City Manager Kolakowski said Council was requested to adopt the proposed business license incentive program ordinance.

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On motion by Councilman Stanley, seconded by Vice Mayor Vest, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows.

Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-16

**AN ORDINANCE CREATING A
BUSINESS LICENSE INCENTIVE PROGRAM**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD:

Sec. 54-425 Business license incentive program.

For purposes of this subsection, a “qualifying business” is a business that locates for the first time in the locality adopting such ordinance. A business shall not be deemed to locate in such locality for the first time based on merger, acquisition, similar business combination, name change, or a change in business form. Any qualifying business shall be exempt for a period of six months from the date the business locates in the Town of Bedford.

Section 2. The provisions of this ordinance shall go into effect on July 1, 2013, and shall be retroactive to January 1, 2013, and any qualifying business that has paid the tax herein after January 1, 2013, shall be entitled to a full refund of the so paid.

City Manager Kolakowski stated that under the terms of the Voluntary Settlement Agreement, and the Reversion Statutes, the Commissioner of the Revenue and the Treasurer of Bedford County will be performing many of the functions that the comparable City Treasurer and Commissioner of the Revenue were performing prior to reversion. City and County treasurers under state law are given substantial powers to collect taxes in their jurisdictions. State law allows a town council to designate an office in the town government that will have the collection and enforcement powers of a city or county treasurer.

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The City Manager stated that a proposed ordinance has been adopted providing that the City Finance Director will perform the duties of treasurer in accordance with state law. The ordinance further provides that the provisions dealing with the office of Commissioner of the Revenue are repealed. Mr. Kolakowski said that Council was requested to enact the proposed ordinance amending and re-enacting portions of the City Code dealing with the City Treasurer and repealing provisions dealing with Commissioner of Revenue.

City Attorney Berry stated that the references in the ordinance to City Finance Director should be Town Finance Director.

On motion by Councilman Rush, seconded by Vice Mayor Vest, the ordinance was adopted unanimously by a roll call vote with the following amendment: references to the Finance Director in the ordinance should be Town Finance Director. Roll call vote follows:

Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-17

**AN ORDINANCE AMENDING AND RE-ENACTING
SECTION 2-93 OF THE TOWN CODE CONCERNING
THE DEPARTMENT OF FINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD,
VIRGINIA**

Section 1. Section 2-93 of the City Code is amended and re-enacted as follows:

Sec. 2-93 Department of Finance

(a) The Department of Finance shall be under the immediate supervision of the Town Manager who shall exercise general control over the entire department not inconsistent with other applicable sections of the town charter and the provisions of this code.

(b) The Town Manager shall appoint a Town Finance Director who shall be the Director of the Finance Department and who

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shall report directly to the Town Manager. The Town Finance Director shall serve at the pleasure of the Town Manager pursuant to Section 9 of the Charter.

(c) The Town Manager may appoint such deputy finance directors as he shall deem necessary from time to time to assist in carrying out the duties of the Finance Director, including a Chief Deputy to act in the absence of the Town Finance Director.

(d) The Town Manager shall ensure that in respect to the Town Finance Director and each deputy that such fidelity insurance or surety bonds or combination thereof shall be in effect as required by the Town Council under Section 251 of the Town Code.

Section 2. An emergency is declared, and the requirement of publication or posting of this ordinance under Section 2-54 is waived by an affirmative vote of two-thirds of the members present and voting.

Section 3. This ordinance shall be effective and in force upon enactment.

During discussion of the previous ordinance, Councilman Tharp asked about the transition in the Treasurer's and Finance Department.

City Attorney Berry explained that the next ordinance addresses that issue which will provide for a Deputy Treasurer, and the plan is for Mrs. Roberts to be the Deputy Treasurer and remain in that position. Mr. Berry said that all of the bonding is in place and explained the process of the audit that will be held.

On motion by Councilman Rush, seconded by Vice Mayor Vest, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance amending and re-enacting Chapter 2, Article IV Division 5 of the City Code. Roll call vote follows:

Councilman Tharp	aye
Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Wandrei	aye

The Ordinance follows as adopted:

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Ordinance No. 13-18

**AN ORDINANCE AMENDING AND RE-ENACTING
CHAPTER 2, ARTICLE IV DIVISION 5 (TOWN FINANCE DIRECTOR) AND
REPEALING DIVISION 6 (COMMISSIONER OF THE REVENUE)
OF THE CITY OF BEDFORD CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD:

Section 1. Chapter 2, Article IV Division 5 (Section 2-250 – 2-297) of the Code of the City of Bedford is amended and re-enacted as follows:

**DIVISION 5.
TOWN TREASURER***

Charter references: Town treasurer generally, §§ 43, 44, 46.

Sec. 2-250. Duties generally.

(a) The town finance director shall perform all the duties in regard to the town taxes, levies and assessments for the town so far as applicable and not inconsistent with the Charter, this Code and other ordinances of the town.

(b) The town finance director shall perform all duties of the treasurer as provided in the Charter and in this Code and the ordinances, resolutions or orders promulgated by the town council. He shall strictly enforce the provisions of the Charter, this Code and other ordinances of the town with reference to the nonpayment of taxes, licenses, special assessments and water and sewer charges and charges for electrical service.

(Code 1984, § 2-65)

Sec. 2-251. Bond.

The town finance director shall give bond in an amount to be prescribed by town council, with surety approved by the council.

(Code 1984, § 2-66)

Sec. 2-252. Receipt of town money and record of receipts; collection of taxes, assessments, bills, etc.; powers under state law.

(a) The town finance director shall receive all money belonging to and received by the town and keep a correct account of all such receipts.

(b) The town finance director shall collect all taxes and assessments, electric and power bills, water and sewer bills, refuse collection bills and all other charges belonging to and payable to the town, and for that purpose he is hereby vested with any and all powers which are now or may hereafter be vested in county and town treasurers for the collection of county, town and state taxes under the general laws of this state.

(Code 1984, § 2-67)

State law references: Collection of taxes, Code of Virginia, § 58.1-3910.

Sec. 2-253. Custodian of town funds, securities, etc.

The town finance director shall have the custody of all money, bonds, securities, negotiable instruments and evidences of debt belonging to or held in trust by the town, except as may be specifically provided otherwise by state law, the Charter, this Code or other ordinance of the town.

(Code 1984, § 2-68)

Sec. 2-254. Keeping and using of town funds.

The town finance director shall keep all funds belonging to the town in such place of deposit as allowed by state code. All town funds in the hands of the town finance director shall be kept separate and distinct from all other funds, and he is hereby prohibited from using, either directly or indirectly, any town funds or warrants for his own benefit, or that of any other person whatsoever.

(Code 1984, § 2-69)

Sec. 2-255. Segregation of money received on special assessment.

All money received on any special assessment shall be held by the town finance director as a special fund to be applied to the payment for which the assessment was made, and the money shall be used for no other purpose whatsoever.

(Code 1984, § 2-70)

Sec. 2-256. Dog license fee.

The Code of the town is amended to include the following provision of this section. The finance director shall deposit all fees for dog licenses directly into the general fund of the town immediately upon collection.

(Ord. of 10-1-2000, § 2-70.1)

Sec. 2-257. Cemetery maintenance and perpetual care fund.

(a) Whenever, during the fiscal year, funds are derived from the sale of cemetery lots in the Bedford cemeteries and is on file in the town clerk's office, the town finance director shall take therefrom 70 per centum of such amount and deposit it in a separate account to the credit of "Bedford cemetery maintenance and perpetual care fund" in such bank as the town council may designate. This maintenance fund shall forever be maintained, and at the direction of the town council, shall be securely invested in interest-bearing municipal, state or government bonds or loaned upon otherwise unencumbered real estate, within the state, upon a basis not exceeding 50 per centum of normal cash value of such real estate or invested in other securities approved by the general laws of the state for the investment of such funds, or deposited in a bank on a reasonable rate of interest.

(b) Only the annual income therefrom shall be appropriated or used by the town council and then its appropriation and use shall be for no other purpose than for the maintenance and upkeep of the Bedford cemeteries designated as Longwood Cemetery, Oakwood Cemetery, Greenwood Cemetery and Fairmont Cemetery.

(c) Nothing contained herein shall be construed as prohibiting the town council from making appropriations from any other funds or sources for the developing, maintenance and upkeep of these cemeteries.

(Code 1984, § 2-71)

Sec. 2-258. Disbursing agent; disbursement of town funds; disbursements require approval of town manager.

The town finance director shall be the disbursing agent for the town, pursuant to authorization by the town manager.

(Code 1984, § 2-72)

Sec. 2-259. Payment of claims and charges.

Subject to the provisions of section 2-258, the town finance director shall make disbursements of town funds in payment of all claims and charges against the town.

(Code 1984, § 2-73)

Sec. 2-260. Refusal of payment of warrant of person indebted to town.

The town finance director shall refuse payment of any town warrant presented to him when the person presenting or holding such warrant is indebted to the town or delinquent in the payment of taxes or other dues to the town. The finance director is authorized to withhold payment of such warrant until such taxes or indebtedness shall have been paid.

(Code 1984, § 2-74)

Sec. 2-261. Books, records, etc.

The town finance director shall keep accurate books and accounts. Such books and accounts shall always be subject to the inspection of the town council or any committee thereof. The books, papers and accounts, concerning his office, shall be kept in a fireproof safe, all of which shall be the property of the town.

(Code 1984, § 2-75)

Sec. 2-262. Relief from liability on account of failure of authorized depository.

The town finance director is hereby relieved from any liability from or on account of the failure of any authorized depository in which he has deposited funds of the town.

(Code 1984, § 2-77)

Sec. 2-263. Notes, etc., issued pending sale of bonds or in anticipation of revenue.

All notes and other obligations issued pending the issuance and sale of any authorized bonds, or in anticipation of receipts or revenue of the current fiscal year, shall be signed in the name of the town by the town finance director and the approval thereof endorsed on the face of such note or other obligation by the mayor, officially.

(Code 1984, § 2-78)

Sec. 2-264. Purchase of warrants at discount.

The town finance director shall not, either directly or indirectly, contract for or purchase any warrant drawn upon the town treasury, or payable out of the same, at any discount whatever upon the sum due upon the warrant.

(Code 1984, § 2-79)

Sec. 2-265. Power of levy, distress, etc.

For the purpose of collecting taxes, assessments, special assessments, license fees, water and sewer charges, charges for electrical service and other dues to the town the town finance director shall have the right of distress, levy, lease and garnishment as provided by the laws of the state. All property subject to levy to satisfy taxes due to the state may be taken to satisfy taxes, assessments, special assessments, license fees, water and sewer charges due the town.

(Code 1984, § 2-80)

Sec. 2-266. (Deleted)

(Code 1984, § 2-81)

Secs. 2-267– 2-297. Reserved.

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Section 2. Division 6 (Section 2.298) Commissioner of the Revenue is hereby repealed.

Section 3. The provisions of this ordinance shall go into effect on July 1, 2013.

Councilman Tharp moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(1), personnel, of the Code of Virginia of 1950, as amended. Vice Mayor Vest seconded the motion. The motion was voted upon and carried by the following roll call vote:

Vice Mayor Vest	aye
Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Mayor Wandrei	aye

Council adjourned into closed session at 7:36 p.m. The following non-council members attended: City Manager Kolakowski

Council reconvened into open session at 7:41 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Councilman Tharp, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Wandrei	aye

Mayor Wandrei adjourned the meeting at 7:42 p.m.